

**STATE OF RHODE ISLAND
ENERGY FACILITY SITING BOARD**

IN RE: Docket SB-2021-03 – Sea 3 Providence, LLC Petition for Declaratory Order Regarding the Rail Service Incorporation Project (Providence, RI)

NOTICE OF HEARINGS

Pursuant to the provisions of R.I. Gen. Laws § 42-35-8 the Energy Facility Siting Board (Board) will continue its evidentiary hearings in the above captioned matter on **Thursday, March 31, 2022** at 10:00 AM. The hearing will take place at the Public Utilities Commission office building at 89 Jefferson Blvd. in Warwick (Hearing Room A). The purpose of the hearing is for the Petitioner and parties who have obtained intervenor status to present evidence in the above captioned matter. The Board will not hear oral public comments at the hearing. Public comment can be submitted in writing to the Coordinator at the address below, or at: emma.rodvien@puc.ri.gov.

On March 15, 2021, Sea 3 Providence, LLC (Petitioner) filed a Petition for Declaratory Judgment with the Rhode Island Energy Facility Siting Board. In the Petition, the Sea 3 Providence, LLC (Petitioner) seeks a determination that a proposed rail service and other associated enhancements to its current liquid propane gas (LPG) terminal and storage operations at 25 Fields Point Drive in Providence do not constitute an alteration of a major energy facility such that a full application to the Board is required.

On July 1, 2021, the Board convened a hearing in which it heard oral argument from the Petitioner and the intervening parties (Rhode Island Attorney General, Conservation Law Foundation, and City of Providence). At the hearing, the Board determined that there were issues of fact in dispute which were relevant to the question of jurisdiction and ordered an evidentiary hearing. The Board directed the parties to file testimony on any factual issues they believe are in dispute which would be relevant to the question of jurisdiction. The parties also were directed to file legal briefs with the Board presenting their arguments addressing the statutory standard, the concurrent jurisdiction of other state and municipal authorities, and the interplay of the Act on Climate on the Board's determinations. At the evidentiary hearings, the Petitioner and intervening parties will present such evidence and related arguments to the Board.

The Board held evidentiary hearings on January 18-19, 2022. During those hearings, the Petitioner presented a number of witnesses in support of its argument that the proposed modifications do not constitute an alteration. The intervening parties have additional witnesses to present in support of their positions. The Board has already noticed additional hearings dates for February 28-March 1. To accommodate one of the intervening parties' schedules, the Board is now scheduling one more day of evidentiary hearings on March 31.

The Petition is on file and available for public review at the offices of the Board at the Public Utilities Commission office building and at: http://www.ripuc.ri.gov/efsb/2021_SB_03.html.

The Public Utilities Commission office building is handicap accessible. Requests for interpreter services for the hearing impaired must be made to the Coordinator at least 72 hours before the hearing. The hearing will be streamed live to the public and archived at: <https://video.ibm.com/channel/WqQyXw296dg>.

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Energy Facility Siting Board
89 Jefferson Blvd.

Warwick, RI 02888
February 24, 2022